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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

2008 MAR 24 AM 10: 34

UNITED STATES OF AMERICA, Plaintiff,	Magistrate Docket No. '08 MJ 0908
v.	COMPLAINT FOR VIOLATION OF:
Jose Francisco AGUIRRE-Marin, Defendant	Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **March 22, 2008** within the Southern District of California, defendant, **Jose Francisco AGUIRRE-Marin,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 24th DAY OF **MARCH 2008.**

William McCurine, Jr.
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Jose Francisco AGUIRRE-Marin

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On March 22, 2008, Border Patrol Agent E. Brown-Caro was performing uniformed line watch duties in the Chula Vista area of responsibility. At approximately 2:30 a.m., Agent Brown-Caro received a report from the infrared scope operator that a group of suspected illegal aliens had been spotted north of the United States/Mexico International border near an area known as "BLM Scoot Trail". This area is located approximately 2 miles east of the Otay Mesa, California, Port of Entry and a half of a mile north of the United States/Mexico Border.

Agent Brown-Caro responded to the area and after a brief search he encountered 5 individuals attempting to conceal themselves in some brush. Agent Brown-Caro identified himself as a Border Patrol Agent and questioned the individuals as to their citizenship and immigration status. All the individuals including one later identified as the defendant **Jose Francisco AGUIRRE-Marin** freely admitted to being citizens and nationals of Mexico illegally present in the United States. At approximately 3:00 a.m., the defendant and the other individuals were arrested and transported to the Chula Vista Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **May 12, 2006** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on March 23, 2008 at 9:00 a.m.

Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **March 22, 2008,** in violation of Title **8**, United States Code, Section **1326**.

William McCurine Jr.
United States Magistrate Judge

3/23/08 0953hrs
Date/Time